

CRWP-5009-2021

Date of decision:07.06.2021

POONAM MAHANT CHELA SHABNAM MAHANT

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anupam Bhanot, Advocate
for the petitioner.

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI,J. (ORAL)

The report of the warrant officer has been received in sealed cover and the same has been opened.

As per the report, the petitioner has also filed another case bearing CRWP-4981-2021 titled as Poonam Mahant Chela Versus State of Punjab and others with regard to the illegal detention of one Nandini Chela.

The present petition pertains to the illegal confinement of Sonia Chela. Both the petitions are stated to be on the basis of substantially the same allegations. As per the report of warrant officer, he was also nominated as warrant officer in the other case bearing CRWP-4981-2021.

As per the report, the warrant officer was accompanied by Tanu Mahant who was nominated by the petitioner to facilitate the search of detainee in both cases. It has been reported that the house of respondent No.5 was searched but the alleged detainee was not found therein. Meanwhile, a phone call was received by Tanu Mahant from the petitioner to the effect that the alleged detainees in both cases are sitting near Jain Petrol Pump at Rajpura Road. Accordingly, the

warrant officer alongwith police party reached the site and both the alleged detainees were found to be sitting alone and not guarded by anyone. They were brought to police station Kotwali, Patiala and their common statement was recorded.

The statement of Tanu Mahant, the representative of the petitioner was also recorded. The alleged detainee in the instant case alongwith Nandini Chela were sent with Tanu Mahant, the representative of the petitioner. As per the report, the alleged detainee was not in the actual custody of respondent No.5 at the time of visit of the warrant officer.

It has been pointed out by the learned counsel for the petitioner that the alleged detainee was kept in wrongful confinement by respondent No.5 regarding which an FIR has been registered. However, as per the report, the alleged detainee was found sitting alongwith Nandini Chela regarding whom the petitioner had filed a separate writ of Habeas Corpus. The alleged detainee has been sent with Tanu Mahant, the representative of the petitioner.

Consequently, the learned counsel for the petitioner states that the present petition may be disposed of without any prejudice to the rights of the petitioner to agitate the grievance raised in the case bearing FIR 234 dated 25.05.2021 under Sections 452/365/336/323/506/148/149 of IPC and Section 27 of Arms Act at Police Station Kotwali, Patiala. The alleged detainee has been recovered and was not found in illegal custody at the time of visit of the warrant officer. No further action is called for.

The present petition is disposed of in aforesaid terms.

07.06.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No

